

REMARKS

This amendment is made for the purpose of placing the application in better condition for appeal to the Board of Patent Appeals and Interferences. No new issues are presented by this amendment and, therefore, entry of the amendment is respectfully requested.

The Examiner's withdrawal of the objection to the specification in view of the amendment filed June 27, 2008, is noted with appreciation.

Claims 1 to 18 are pending in the application. Claim 1 has been amended in response to the Examiner's Claim Objections set out on pages 8 and 9 of the Office Action. Each of the Examiner's suggested amendments to claim 1 has been made, as required. In addition, three typographical errors have been corrected. No other amendments have been made by this amendment.

The withdrawal of the rejection of claims 13 and 14 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement is noted with appreciation.

Claims 1 to 4 and 6 to 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over International Patent Publication WO 00/62254 of Zahn in view of U.S. Patent No. 6,694,373 to Sastry et al. This rejection is again respectfully traversed for the reason that the combination of Zahn and Sastry et al. neither discloses nor suggests the claimed invention. Applicants will seek review of this rejection by way of appeal to the Board of Patent Appeals and Interferences.

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Zahn International Patent Publication and the Sastry et al. patent in view of U.S. Patent No. 7,095,717 to Muniere. This rejection is again respectfully traversed for the reason that the combination of Zahn, Sastry et al. and Muniere does not teach, suggest or otherwise make obvious the claimed invention. Applicants will seek review of this rejection by way of appeal to the Board of Patent Appeals and Interferences.

Claims 1 to 13, 15, and 18 under 35 U.S.C. §103(a) as being unpatentable

over U.S. Patent No. 5,299,003 to Ochi et al. in view of the patent to Sastry et al. This rejection is respectfully traversed for the reason that the combination of Ochi et al. and Sastry et al. does not teach, suggest or otherwise make obvious the claimed invention. Applicants will seek review of this rejection by way of appeal to the Board of Patent Appeals and Interferences.

For purposes of the appeal, Applicants seek clarification of this last rejection. Although the Examiner listed claims 1 to 13, 15, and 18 as subject to the rejection, the Examiner discussed claims 14, 16 and 17 (see pages 30–32 of the Office Action); therefore, it would appear that the rejection should more accurately be framed as rejecting claims 1 to 18, inclusive.

In view of the foregoing, it is respectfully requested that this amendment be entered for purposes of appeal to the Board of Patent Appeals and Interferences.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Lamont Whitham", is written over a horizontal line.

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